

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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ARISTA RECORDS LLC; ATLANTIC )  
RECORDING CORPORATION; BMG MUSIC; )  
CAPITOL RECORDS, INC.; CAROLINE )  
RECORDS, INC.; ELEKTRA )  
ENTERTAINMENT GROUP INC.; )  
INTERSCOPE RECORDS; LAFACE )  
RECORDS LLC; MAVERICK RECORDING ) Case No. 07-civ-8822 (HB)  
COMPANY; SONY BMG MUSIC )  
ENTERTAINMENT; UMG RECORDINGS, )  
INC.; VIRGIN RECORDS AMERICA, INC.; )  
WARNER BROS. RECORDS INC.; and )  
ZOMBA RECORDING LLC, )  
Plaintiffs, )  
v. )  
USENET.COM, )  
Defendant. )  
\_\_\_\_\_  
)

**PLAINTIFFS' MOTION TO STRIKE OR, IN THE ALTERNATIVE, TO DISMISS  
COUNTERCLAIMS**

Pursuant to Fed. R. Civ. P. 12(f), 12(b)(6), and 12(b)(1), Plaintiffs Arista Records, *et al.* (“Plaintiffs”) respectfully move to strike, or in the alternative to dismiss, the counterclaims asserted against them by Defendant Usenet.com, Inc. (“Defendant”). This motion is supported by the attached memorandum of law.

Dated: June 4, 2008  
New York, NY

/s/ Gianni P. Servodidio

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**CERTIFICATE OF SERVICE**

I hereby certify that I caused to be served a true and correct copy of the foregoing Plaintiffs' Motion to Strike or, in the Alternative, to Dismiss Counterclaims, on the following Counsel for Defendant, by Electronic Mail and the Court's ECF Filing System:

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Date: June 4, 2008

/s/ Gianni P. Servodidio  
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